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9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA

11 ROBERT ANTHONY, individually and on
 12 behalf of others similarly situated,

13 Plaintiff,

14 vs.

15 YAHOO! INC., a Delaware corporation,

16 Defendant.

No.: C05 04175 RMW

**STIPULATION TO CONTINUE PRE-
 TRIAL AND TRIAL DATES; ~~PROPOSED~~
 ORDER**

Compl. Filed: October 13, 2005

Accompanying Documents: Declaration of
 Hon. Edward A. Infante (Ret.) In Support Of
 Stipulation to Continue Pre-Trial and Trial
 Dates

Honorable Ronald M. Whyte

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 20 Plaintiff, ROBERT ANTHONY, individually and on behalf of all others similarly situated,
 21 and YAHOO! INC., a Delaware corporation, through their respective counsel, file this Stipulation to
 22 Continue Pre-Trial and Trial Dates and state as follows:

23 1. At the Case Management Conference on May 12, 2006, the Court set all anticipated
 24 pre-trial and trial dates in the above-captioned case. A true and correct copy of the Court's Order in
 25 this regard is attached hereto as Exhibit A.

26 2. Since that time, the parties have actively engaged in discovery, taken the depositions
 27 of plaintiff as well as several Yahoo! witnesses and have participated in a mediation session with the
 28 Honorable Edward A. Infante (Ret.) at JAMS on November 6, 2006.

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3. As set forth in more detail in Judge Infante's Declaration filed herewith, the parties made substantial progress during their November 6, 2006 mediation session and a potential settlement structure was proposed. Since then, the parties have continued their dialogue and have scheduled another mediation session with Judge Infante on January 10, 2007. Judge Infante is hopeful that a settlement can ultimately be reached in this case and agrees that a continuance of the pre-trial and trial dates as proposed herein will further the parties' settlement efforts. Infante Decl. at ¶ 3. Indeed, the continuance will allow the parties to focus more directly on their settlement efforts and will also serve to keep costs (as well as tensions) low as the parties come closer to an agreement. Infante Decl. at ¶ 4. For this reason, the continuance will also help maintain the parties' current spirit of cooperation and negotiation. *Id.*

4. In addition, trial in this matter is currently set on May 29, 2007, and all pertinent pre-trial dates have been set accordingly. However, Michele Floyd, lead attorney for defendant Yahoo!, Inc., is in her third trimester of pregnancy and due to give birth in early January, 2007. She anticipates taking a six month leave of absence beginning at the end of this month and therefore will not be available for the trial as currently scheduled.

5. Accordingly, while primarily to advance the parties' settlement efforts, but also to ensure the availability of Yahoo!'s lead counsel at trial, the parties request that the Court continue the pre-trial and trial dates as follows:

| | |
|--------------------------------------|--|
| Class certification hearing | February 9, 2007 (as approved per prior stipulation) |
| Expert Disclosure (initial) | March 6, 2007 |
| Expert Disclosure (rebuttal) | April 6, 2007 |
| Expert Discovery Cutoff | June 6, 2007 |
| Non-Expert Discovery Cut-off | July 16, 2007 |
| Last Day To File Dispositive Motions | July 20, 2007 |
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|----|--|--------------------------------------|
| 1 | Last Day To Hear Dispositive Motions | August 31, 2007 |
| 2 | Counsel to meet and confer to prepare | September 14, 2007 |
| 3 | joint final pretrial statement, proposed | |
| 4 | order and coordinated submission of trial | |
| 5 | exhibits and other materials | |
| 6 | Motions in Limine | September 28, 2007 |
| 7 | Filing of joint pretrial conference | September 28, 2007 |
| 8 | statement and proposed order | |
| 9 | Lodging exhibits and other materials; | September 28, 2007 |
| 10 | serving and filing briefs on significant | |
| 11 | disputed issues of law | |
| 12 | Serving and filing requested voir dire | September 28, 2007 |
| 13 | questions, jury instructions and forms of | |
| 14 | verdict; serving and filing statements | |
| 15 | designating excerpts of depositions, | |
| 16 | interrogatory answers and admissions to | |
| 17 | be offered at trial other than for | |
| 18 | impeachment or rebuttal | |
| 19 | Date by which parties objection to receipt | October 15, 2007 |
| 20 | in to evidence of any proposed testimony | |
| 21 | or exhibit must advise and confer with | |
| 22 | opposing party to resolve such objection | |
| 23 | Pretrial Conference at | To be determined by Court |
| 24 | <u>2:00 p.m. xxx p.m.</u> | November 29, 2007 |
| 25 | Trial | December 10, 2007 |
| 26 | Jury (length xxx days) | |
| 27 | at <u>1:30 p.m. xxx p.m.</u> | |

IT IS SO STIPULATED.

DATED: December 5, 2006

MCNULTY LAW FIRM

By: /s/ Peter J. McNulty
 Peter J. McNulty (SBN 89660)
 Attorneys for Plaintiff Robert Anthony

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DATED: December 5, 2006

FREIDIN & DOBRINSKY, P.A.

By: /s/ Randy Rosenblum
Randy Rosenblum (FBN 983527)
Manuel Dobrinsky (FBN 775525)
Philip Freidin (FBN 118519)
Attorneys for Plaintiff Robert Anthony
Appearing Pro Hac Vice

DATED: December 5, 2006

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By: /s/ Kirsten J. Daru
Kirsten J. Daru (SBN 215346)
Attorneys for Defendant Yahoo! Inc.

[PROPOSED] ORDER

PURSUANT TO STIPULATION, AND GOOD CAUSE APPEARING, IT IS SO
ORDERED.

DATED: 1/18/07

Ronald M. Whyte
HONORABLE RONALD M. WHYTE

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